

IN THE CLAIMS

Please amend the claims as follows:

1. (Currently Amended) A data sending receiving ~~apparatus, comprising system~~
having a sending apparatus and a receiving apparatus, the data sending receiving system
comprising:

first storage means for ~~holding~~ storing data including a plurality of content;

first sending receiving means for sending and receiving data;

retrieval means for retrieving the data stored in said first storage means;

a first control means for controlling said first sending receiving means to receive
request information for content from said receiving apparatus, wherein the retrieval means
retrieves the data stored in said first storage means based on the request information, and said
first sending receiving means sends the data retrieved by said retrieval means;

~~first sending receiving means for sending the data retrieved by said retrieval means,~~
~~said first sending receiving means including means for receiving request information for~~
~~content from a user and means for supplying for the received request information to said~~
~~retrieval means;~~

~~decision means for checking whether the data sent from said first sending receiving~~
~~means is data corresponding to new content;~~

second sending receiving means for sending information and receiving ~~the data sent~~
~~from said first sending receiving means and for sending the request information by the user;~~

second storage means for storing data ~~received by said second sending receiving~~
~~means; and~~

second control means for controlling automatic storage of the data received by said
second sending receiving means to send said request information to said sending apparatus
based on user input and to receive the data retrieved by said retrieval means, for checking

whether the received data sent from said sending apparatus includes new content, and
controlling said second storage means to store only the new content included in the received
data in said second storage means when results of checking by said decision unit means
verify that the data sent from said first sending receiving means is data corresponding to the
new content automatically based on the results of the checking,

wherein said first sending receiving means and said second sending receiving means
are connected to an electronic communication network.

2. (Currently Amended) The data sending receiving apparatus according to claim
[[1]] 60, wherein said second ~~sending receiving means~~ interface further includes a
reproducing ~~means~~ unit and wherein, when the results of the checking ~~by said decision means~~
indicates data other than data newly stored in said first ~~storage means~~ memory, said
reproducing ~~means~~ unit reproduces the data sent from the first ~~sending receiving means~~
interface.

3. (Currently Amended) The data sending receiving apparatus according to claim
[[1]] 60, wherein said first ~~sending receiving means~~ interface, when sending data retrieved by
said retrieval ~~means~~ unit, appends supplementary data indicating that the data is data newly
stored in said first ~~storage means~~ memory when the data sent is the data newly stored in said
first ~~storage means~~ memory.

4. (Currently Amended) The data sending receiving apparatus according to claim 3
~~wherein said~~ further comprising decision means ~~checks~~ for checking whether the data sent
from said first ~~storage means~~ memory is the data newly stored in said first ~~storage means~~
memory.

5. (Currently Amended) The data sending receiving apparatus according to claim [[1]] 60, wherein said second ~~sending-receiving means~~ interface generates the request information from the user inclusive of data specifying an intention of the user to make payment and sends the generated information to said first ~~sending-receiving means~~ interface.

6. (Currently Amended) The data sending receiving apparatus according to claim 5 wherein said first ~~sending-receiving means~~ interface switches a sending mode to said second ~~sending-receiving means~~ interface for data retrieved by said retrieval ~~means~~ unit based on data specifying the intention of the user to make payment sent from the second ~~sending-receiving means~~ interface.

7. (Currently Amended) The data sending receiving apparatus according to claim 6 wherein said first ~~sending-receiving means~~ interface switches the sending mode to the second ~~sending-receiving means~~ interface based on data specifying the intention of the user to make payment sent from the second ~~sending-receiving means~~ interface when the data retrieved by said retrieval ~~means~~ unit is the data newly stored in said first ~~sending-receiving means~~ interface.

8. (Currently Amended) The data sending receiving apparatus according to claim 7 wherein said first ~~sending-receiving means~~ interface sends to said second ~~sending-receiving means~~ interface data newly stored in said first ~~sending-receiving means~~ interface with a same data quality as a data quality in sending other data stored in said first ~~storage means~~ memory when the data specifying the intention of the user to make payments for the request

information from the user sent from the second ~~sending-receiving-means~~ interface indicates that the user is willing to make the payments.

9. (Currently Amended) The data sending receiving apparatus according to claim 8 wherein said first ~~sending-receiving-means~~ interface sends to said second ~~sending-receiving-means~~ interface data newly stored in said first ~~sending-receiving-means~~ interface with a data quality lower than a data quality in sending other data stored in said first ~~storage-means~~ memory when the data specifying the intention of the user to make payments for the request information from the user sent from the second ~~sending-receiving-means~~ interface indicates that the user is not willing to make the payments.

10. (Currently Amended) The data sending receiving apparatus according to claim [[1]] 60 wherein said second ~~sending-receiving-means~~ interface generates the request information from the user inclusive of genre designation information to send the generated information to said first ~~sending-receiving-means~~ interface.

11. (Currently Amended) The data sending receiving apparatus according to claim 10 wherein said second ~~sending-receiving-means~~ interface, when reproducing data stored in said ~~storage-means~~ second memory, reproduces the data in a same playback state as a playback state for reproducing data other than the data newly stored in said first ~~storage-means~~ memory when the user is willing to make a payment.

12. (Currently Amended) The data sending receiving apparatus according to claim 11 wherein said second ~~sending-receiving-means~~ interface, when reproducing data stored in said

second ~~storage means~~ memory, sends information concerning the payment to said first ~~sending receiving means~~ interface when the user is willing to make the payment.

13. (Currently Amended) The data sending receiving apparatus according to claim 12 wherein said ~~first sending receiving means~~ first interface performs accounting based on accounting information sent from said second ~~sending receiving means~~ interface.

14. (Currently Amended) The data sending receiving apparatus according to claim 11 wherein said first ~~sending receiving means~~ interface sends to said second ~~sending receiving means~~ interface data specifying that an accounting has come to a close and appends accounting data specifying that the accounting has come to a close to data for playback stored in second ~~storage means~~ memory.

15. (Currently Amended) The data sending receiving apparatus according to claim 14 wherein said second ~~sending receiving means~~ interface switches the playback state of data stored in said second ~~storage means~~ memory based on the data specifying that the accounting has come to a close.

16. (Currently Amended) The data sending apparatus according to claim 11 wherein said second ~~sending receiving means~~ interface discontinues the playback state while reproducing data stored in said second ~~storage means~~ memory when the user has no intention to make the payment.

17. (Currently Amended) The data sending receiving apparatus according to claim 10 wherein said first ~~sending receiving means~~ interface sends to the retrieving ~~means~~ unit the

request information from the user containing the genre designation information sent from the second ~~sending-receiving means~~ interface, and wherein said retrieval ~~means~~ unit retrieves data stored in said first ~~storage~~ memory based on the request information from the user containing the genre designation information to send the retrieved data to the second ~~sending-receiving means~~ interface.

18. (Currently Amended) A data receiving apparatus, comprising:

a sending receiving means for sending ~~request information for content from a user to a host side device~~ and for receiving data including a plurality of content sent from said host side device;

a storage means for storing content ~~received data sent by said sending-receiving means~~;

~~a decision means for checking whether the sent data from said host side device is data corresponding to new content~~; and

control means for controlling ~~automatic storage of the received data sent by said~~ sending receiving means to send request information for content based on the user input and to receive data including a plurality of content from a host side device, checking whether the received data includes new content, and controlling said storage means to store only the new content included in the received data automatically based on the results of the checking. in said storage means when results of the checking verify that the data sent from said sending-receiving means is data corresponding to the new content.

19. (Currently Amended) The data receiving apparatus according to claim [[18]] 61, further comprising a reproducing ~~means~~ unit, wherein said ~~control means~~ controller causes

the sent data to be reproduced when the results of the checking indicate that the sent data is data other than data newly stored in said host side device.

20. (Currently Amended) The data receiving apparatus according to claim 19 wherein said ~~control means~~ controller includes a check means for checking whether the sent data is data newly stored in said host side device.

21. (Currently Amended) The data receiving apparatus according to claim 20 wherein said ~~control means~~ controller includes ~~means for a~~ discriminating unit, based on supplementary data appended to the sent data, ~~for indicating~~ configured to indicate that the data is data newly stored in the host side device, whether the sent data is data newly stored in the host side device.

22. (Currently Amended) The data receiving apparatus according to claim ~~[[18]]~~ 61 wherein said ~~sending-receiving means~~ interface generates the request information from the user containing data specifying an intention of the user to make payments to send the generated data to said host side device.

23. (Currently Amended) The data receiving apparatus according to claim ~~[[18]]~~ 61 wherein said ~~sending-receiving means~~ interface generates the request information from the user containing the genre designation information to send the generated information to said host side device.

24. (Currently Amended) The data receiving apparatus according to claim 23 wherein when data stored in said ~~storage means~~ memory is to be reproduced and the user has an

intention to make payments, the data is reproduced in a reproducing state similar to a reproducing state for reproducing data other than said data newly stored in said host side device.

25. (Currently Amended) The data receiving apparatus according to claim 24 wherein when data stored in said ~~storage means~~ memory is to be reproduced and the user has the intention to make payments, accounting information is sent from said ~~sending-receiving means~~ interface to said host side device.

26. (Currently Amended) The data receiving apparatus according to claim 25 wherein, after an accounting comes to a close based on the accounting information, accounting data specifying that the accounting has come to a close is appended to data for playback stored in said ~~storage means~~ memory.

27. (Currently Amended) The data receiving apparatus according to claim 26 wherein the playback state of data stored in said ~~storage means~~ memory is switched based on said accounting data.

28. (Currently Amended) The data receiving apparatus according to claim 24 wherein when reproducing data stored in said ~~storage means~~ memory and the user has no intention to make payments, the reproducing state is discontinued.

29-51. (Canceled).

52. (Currently Amended) The data sending receiving apparatus according to claim [[1]] 60, wherein said retrieval unit ~~means~~ retrieves said new content that is data that has been put on sale or publicized only recently.

53. (Currently Amended) The data sending receiving apparatus according to claim 52, wherein said retrieval ~~means~~ unit retrieves said new content data that is data received within a preset time period from a date on which the data has been put on sale or publicized.

54. (Currently Amended) The data sending receiving apparatus according to claim [[1]] 60, ~~wherein said~~ further comprising decision means ~~checks for checking~~ whether said new content is data that is not received by said second ~~sending receiving means~~ interface.

55. (Currently Amended) The data sending receiving apparatus according to claim [[18]] 61, ~~wherein said~~ further comprising decision means ~~checks for checking~~ whether said new content is data that has been put on sale or publicized only recently.

56. (Previously Presented) The data sending receiving apparatus according to claim 55, wherein said decision means checks whether said new content is data received within a preset time period from a date on which the data has been put on sale or publicized.

57. (Currently Amended) The data sending receiving apparatus according to claim [[18]] 61, ~~wherein said~~ further comprising decision means ~~checks for checking~~ whether said new content is data that is not received by said ~~sending receiving unit~~ interface.

58. (Currently Amended) A computer-implemented method, comprising:

first sending request information for content from a user;
first receiving the request information;
retrieving the data stored in a storage based on the request information;
second sending the data retrieved by said step of retrieving;
second receiving the data sent by said second sending step;
checking whether the data sent from said second sending step is data corresponding to new content;
storing only the new content included in the received data automatically when results of checking in said step of checking verify that the data sent in said step of second sending is data corresponding to the new content.

59. (Currently Amended) A computer-implemented method, comprising:
sending request information for content from a user to a host side device and receiving data of content sent from said host side device;
storing the received data sent in said step of sending;
checking whether the sent data from said host side device is data corresponding to new content; and
controlling said step of storing to store only the new content included in the received data automatically when results of the step of checking verify that the data sent in said step of sending is data corresponding to the new content.

60. (New) A data sending receiving system having a sending apparatus and a receiving apparatus, the data sending receiving system comprising:
a first memory configured to store data including a plurality of content;
a first interface configured to send and receive data;

a retrieval unit configured to retrieve the data stored in said first memory;

a first controller configured to control said first interface to receive request information for content from said receiving apparatus, wherein the retrieval unit is configured to retrieve the data stored in said first memory based on the request information, and said first interface is configured to send the data retrieved by said retrieval unit;

a second interface configured to send information and to receive data;

a second memory configured to store data; and

a second controller configured to control said second interface to send said request information to said sending apparatus based on user input and to receive the data retrieved by said retrieval unit, to check whether the received data sent from said sending apparatus includes new content, and to control said second memory to store only the new content included in the received data automatically based on the results of the checking,

wherein said first interface and said second interface are connected to an electronic communication network.

61. (New) A data receiving apparatus, comprising:

an interface configured to send information and to receive data including a plurality of content;

a memory configured to store content; and

a controller configured to control said interface to send request information for content based on the user input and to receive data including a plurality of content from a host side device, to check whether the received data includes new content, and to control said memory to store only the new content included in the received data automatically based on the results of the checking.